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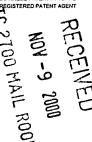
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ASSISTANT COMMISSIONER FOR PATENTS WASHINGTON, D.C. 20231

RE: U.S. Application

Serial No: 09/286,304 Filed: April 06, 1999

Group: 2761

Inventor: MICHAEL R. O'BRIEN ET AL.

For: METHOD AND APPARATUS FOR GENERATING

PURCHASE INCENTIVES BASED ON PRICE

DIFFERENTIALS

SIR:

Attached hereto for filing are the following papers:

AMENDMENT

Our check in the amount of \$_--0-- is attached covering any required fees. In the event that any variance exists between the amount enclosed and the Patent Office charges for filing the abovenoted documents, including any fees required under 37 CFR 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is attached.

Respectfully submitted,

SPIVAK, McCLELLAND, MAJER & NEUSTADT, P.C.

Riehard A. Neifeld Registration No. 35,299 Attorney of Record

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

JOHN A. GIULIANI ET A

SERIAL NO: 09/286,304

FILED: APRIL 6, 1999

EXAMINER: POINVIL

: GROUP ART UNIT: 2768

FOR: METHOD AND APPARATUS FOR

GENERATING PURCHASE

INCENTIVES BASED ON PRICE

DIFFERENTIALS

AMENDMENT

ASSISTANT COMMISSIONER FOR PATENTS WASHINGTON, D.C. 20231

SIR:

Responsive to the non-final office action mailed September 22, 2000, please consider the following remarks.

The office action rejects claims 10-24 under 35 U.S.C. §103(a) based entirely upon United States Patent No. 5,687,322 to Deaton et al.

The office action states that:

The system of Deaton et al. also comprises a storage means for selecting incentive data from the storage means depending upon the purchase of a first item. Note column 69, lines 14-33. [Page 2 lines 15-18.]

In reply, the applicants point out that column 69, lines 14-33 in the '322 patent do not refer to the system disclosed in the '322 Deaton et al. patent. Moreover, that passage does not disclosed "a storage means for storing incentive data" and it does not disclose "means for selecting incentive data from the storage means depending upon the purchase of a first item."



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